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Fax No: 44-1332345200

Attn.: MR. PAUL HIGGIN

(P7241)

Date: March 27, 2004

Re: Chinese Patent Application for Invention No. 02102426.X

In the name of NOKIA CORPORATION.

Title: PORTABLE TELEPHONE

Your Ref: PH/8788CN (PAT 01001 CN)

Our Ref: CPME0240014

Dear Mr. Higgin,

We have received 1st Office Action regarding the above patent application issued by the Chinese Patent Office on March 12, 2004.

In the 1st office action, CN1,128,474A, CN1, 244,975A are cited as references (hereinafter respectively as D1, D2, the priorities of D1, D2 respectively are JP135848/94, PCT/IL97/00414=WO98/27702).

In order to easily understand the text of the office action, the definition of "inventiveness" is provided:

Inventiveness means that, as compared with the technology existing before the date of filing, the invention has prominent substantive features and represents a notable progress and that the utility model has substantive features and represents progress.

The objections raised by the examiner against the captioned application are as follows:

1. claims 1-2, 5, 8 lack of inventiveness over D1.
2. claims 3, 4 lack of inventiveness over D2.
3. claims 6-7 lack of inventiveness over the known art.
4. claim 9 is not allowed because it refers to the figures.

In order to overcome the examiner's objections, the following is provided for your reference:

1. as to the cited reference(s)

it is preferable for the applicant to point out:

- 1.1 the difference between the cited reference and the present invention

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from the aspects, namely technical field, technical problems pending to be solved/invention object, technical effect pending to be achieved, technical solutions.

1.2 it is not obvious for a person skilled in the art to achieve the present application from the above differences.

2. as to the known art

It may be a choice for the applicant to raise arguments that the technical features of the respective objected claims do not belong to the known art and to request the examiner to provide detailed evidences that the technical features objected by the examiner are known art.

Additionally, Where an applicant amends the document of its or his patent application for a patent after receipt of an examination office action from the Chinese Patent Office, the amendment shall be made corresponding to the requirements in the examination office action. It will be helpful to convince the examiner of such amendments. That is to say, the applicant shall not initiatively amend the application during this stage.

The time limit for making a response to this Office Action is set for July 12, 2004. We expect to receive your comments and instructions not later than June 27, 2004 so that we may prepare the response and file it with the Chinese Patent Office in time.

In accordance with current Chinese patent practice, the applicant may request one or two - month extension of time for responding to the Office Action once only.

Enclosed please find herewith:
the English translation of the Office Action
the Office Action in Chinese
the reference document(s) cited in the Office Action

If you have any questions, please feel free to contact us.

Yours faithfully,


JENG Xiangling
China Patent Agent (H.K.) Ltd.

Your Ref: PAT 01001 CN

Our Ref: CPME0240014

Text of the First Office Action

As stated in the description, the present application relates to a portable telephone. Upon examination, comments are hereby given as follows:

1. Independent claim 1 is directed to a portable telephone assembly. It fails to comply with Article 22, para. 2 of the Chinese Patent Law. Reference 1, directed to "a portable communication apparatus preventing trouble when battery wears", has disclosed the following specific technical features: the portable communication apparatus comprising a chargeable sub battery 4 (corresponding to the primary power source) provided on the communication unit, wherein the sub battery should have at least the storage capacity sufficient to keep the communication channel connected while the main battery 3a (corresponding to the auxiliary power source in the second portion) is replaced by main battery 3b (corresponding to being "independently operable" in the first portion), and a main battery supplying power for the telephone body and for the sub battery for charging (i.e., "to supplement the primary power source when the first and second portions are connected"), the main battery being detachably connected to the body (i.e., "the first portion is arranged to be detachably connectable to the second portion") (see page 2, lines 2-18; page 3, line 1-page 4, line 3). In fact, the main battery of reference 1 is obviously arranged to be removably attachable to a user. Therefore, all the technical features of claim 1 have already been disclosed in reference 1. Moreover, reference 1 and claim 1 fall into the same technical field, namely, portable telephone; the two intend to solve the same technical problem: to enlarge the batter capacity to prolong the standby time of the portable telephone as well as to ensure convenience of use; the two can result in the same technical effects. Consequently, claim 1 does not possess novelty under Article 22, para. 2 of the Chinese Patent Law over reference 1.

2. The additional technical feature of dependent claim 2 is: "the auxiliary power source comprises a battery". The main battery of reference 1 corresponds to the auxiliary power source as claimed in claim 2 (see page 3, line 1-page 4, line 3).

Considering said additional technical feature has been disclosed in reference 1, the technical solution as claimed in claim 2 does not possess novelty under Article 22, para. 2 of the Chinese Patent Law over reference 1.

3. The additional technical feature of dependent claim 3 is: "the battery comprises several re-chargeable cells distributed about the second portion". Claim 3 fails to comply with Article 22, para. 3 of the Chinese Patent Law. The main battery of reference 1 is a rechargeable cell (see page 3, line 1-page 4, line 3). A comparison between claim 3 and reference 1 shows that reference 1 does not specially describe the method for disposing the second battery whereas claim 3 recites the cells are distributed "about" the second portion. Reference 2 (CN1244975A), directed to a wrist mounted telephone device, wherein the battery power source circumferentially extends along at least a substantial portion of the wearer's wrist (see page 3, lines 5-9 and Fig. 1 of reference 2). The battery of reference 2 is distributed about the battery carrying portion in the same manner as claim in claim 3. The purpose of so doing is to cooperate with the shape of the battery carrying portion. As reference 2 and reference 1 fall into the same technical field, those having ordinary skill in the art can get a suggestion directly from reference 2 and then combine it with reference 1 so as to obtain the claimed technical solution of claim 3. Consequently, claim 3 neither has any prominent substantive features nor represents any notable progress and therefore fails to comply with the provision on inventiveness under Article 22, para. 3 of the Chinese Patent Law.

4. The additional technical feature of dependent claim 4 is: "the second portion is arranged for removable attachment to a user's wrist". Claim 4 fails to comply with Article 22, para. 3 of the Chinese Patent Law. Reference 2 has disclosed the same technical feature: a wrist mounted telephone device, that is, the telephone device is arranged for removable attachment to a user's wrist (see page 3, lines 5-9 and Fig. 1 of reference 2). Considering the technical solutions as described in reference 2 and reference 1 fall into the same technical field, those having ordinary skill in the art can easily get a suggestion from reference 2 and then combine it with reference 1 so as to obtain the claimed technical solution of claim 4. Consequently, claim 4, as compared with references 1-2, neither has any prominent substantive features nor represents any notable progress and therefore fails to comply with the provision on inventiveness under

Article 22, para. 3 of the Chinese Patent Law.

5. The additional technical feature of dependent claim 5 is: "charging circuitry is provided re-charge the primary power source from the auxiliary power source". One embodiment of reference 1 has pointed out that the main battery (i.e., the auxiliary power source of claim 5) constantly supplies power to the sub battery (i.e., the primary power source of claim 5) for recharging (see page 3, para. 4). In this case, the additional technical feature of claim 5 has already been disclosed in reference 1. Therefore, claim 5, upon referring to claim 1 or 2, does not possess novelty under Article 22, para. 2 of the Chinese Patent Law, and upon referring to claim 3 or 4, does not possess inventiveness under Article 22, para. 3 of the Chinese Patent Law. In one word, claim 5 fails to comply with Article 22, paras. 2-3 of the Chinese Patent Law.

6. Claim 6 refers to claim 5, and its additional technical feature is: "the charging circuitry is disposed in the second portion". In fact, disposal of a charging circuitry is a well-known technique in the art, and those having ordinary skill in the art can arbitrarily select a position of the charging circuitry as needed. Consequently, the claimed technical solution of claim 6 neither has any prominent substantive features nor represents any notable progress and therefore fails to comply with the provision on inventiveness under Article 22, para. 3 of the Chinese Patent Law.

7. The additional technical feature of dependent claim 7 is: "the charging circuitry comprises contactless inductive charging apparatus". "Contactless or non-in-contact inductive charging apparatus" is already a very mature technology. In the art of charging of a mobile phone, many applications relating to this technology can be found, for example, JP2000166130A and CN2341281Y. This technical feature turns out to be a common sense in the art. In designing a mobile telephone charger, those having ordinary skill in the art can easily think of gaining a technical suggestion for the common sense and then combine it with the prior art so as to obtain a technical solution identical with that claimed in claim 7. Therefore, claim 7 does not possess inventiveness under Article 22, para. 3 of the Chinese Patent Law.

8. The additional technical feature of dependent claim 8 is: "charging apparatus for re-charging the auxiliary power source". Said claim fails to comply with Article 22, para. 3 of the Chinese Patent Law. Reference 1 discloses that the main battery (the

auxiliary power source) is rechargeable (see page 3, para. 3). A charger for re-charging the main battery is obviously a common sense in the art. Consequently, claim 8, as compared with reference 1, neither has any prominent substantive features nor represents any notable progress.

9. The additional technical feature of dependent claim 9, "with particular reference to Figures 2 to 4 of the accompanying drawings", is in conflict with the following provision of Rule 20, para. 3 of the Implementing Regulations: expressions such as "as illustrated in Fig.... of the drawings" shall not appear in claims.

For the above reasons, independent and dependent claims of the present application do not contain any patentable substantive contents. Meanwhile, the description does not contain any other patentable substantive contents, so even if the applicant reorganizes the claims and/or further defines the claims according to the disclosure of the description, the present application does not have the prospect of being granted a patent right. If the applicant cannot furnish sufficient reasons to prove the present application possesses inventiveness within the time limit for response prescribed in the Office Action herein, the present application will be rejected. Please be advised that any amendments to the application documents should comply with Article 33 of the Chinese Patent Law.

The amended documents to be submitted by the applicant should include 1) a copy of the parts of the original to which amendments are made and on which pertinent addition, deletion and substitution are marked; 2) printed replacement sheets for substituting the corresponding parts of the original. The applicant should ensure the foregoing two parts in conformity with each other in contents.

CPME0240014

Patent Office of the People's Republic of China

Address : Receiving Section of the Chinese Patent Office, No. 6 Tucheng Road West, Haidian District, Beijing, Postal code: 100088

Applicant	NOKIA CORPORATION			Seal of Examiner	Date of Issue
Agent	China Patent Agent (H.K.) Ltd.				March 12, 2004
Patent Application No.	02102426.X	Application Date	January 21, 2002	Exam Dept.	
Title of Invention	PORTABLE TELEPHONE				

First Office Action

1. ☒ Pursuant to the provision of Article 35 (1) of the Chinese Patent Law, the examiner made an examination as to substance of the captioned patent application for invention upon the request for substantive examination filed by the applicant.
- ☐ Pursuant to the provision of Article 35 (2) of the Chinese Patent Law, the Chinese Patent Office has decided to conduct on its own initiative an examination as to substance of the captioned patent application for invention.
2. ☒ The applicant requests taking the filing date, Jan. 22, 2001, at the GB Patent Office, the filing date, _____, at the _____ Patent Office, the filing date, _____, at the _____ Patent Office as the priority date of the present application.
- ☒ A copy of the first filed patent application certified by the receiving organ of the initial country of filing has been submitted by the applicant.
- ☐ A copy of the first filed patent application certified by the receiving organ of the initial country of filing has not been submitted by the applicant. Pursuant to the provision of Article 30 of the Chinese Patent Law, no priority right shall be deemed to have been claimed.
3. ☐ The applicant filed amended application document(s) on _____ and _____.
- ☐ Examination has confirmed that _____ filed on _____ cannot be accepted, _____ filed on _____ cannot be accepted, as the above amendment(s) ☐ is/are not in conformity with the provision of Article 33 of the Chinese Patent Law.
- ☐ is/are not in conformity with the provision of Rule 51 of the Implementing Regulations of the Chinese Patent Law.
- ☐ For the specific reason that the amendment(s) cannot be accepted, see the text of the Office Action.

4. ☒ The examination is conducted in the light of the original application document(s)
☐ The examination is conducted in the light of the following application document(s):
in the original application documents submitted on the filing date:
Claim(s) _____, page(s) _____ of the description, Figure(s)
of the drawing(s); Claim(s) _____, page(s) _____ of the description,
Figure(s) _____ submitted on _____; Claim(s) _____, page(s)
of the description, Figure(s) _____ submitted on _____
☐ Abstract of the description submitted on _____.
5. ☐ The present Office Action has been prepared without a search having been conducted.
☒ The present Office Action has been prepared with a search having been conducted.
☒ The following reference document(s) is/are cited in this Office Action (its/their serial number(s) will, continue to be used throughout the examination procedure):

No.	Number or Title of Document	Date of Publication (or filing date of interfering application)
1	CN 1128474A	(Date) August 7, 1998
2	CN1244975A	(Date) Feb. 16, 2000
3		(Date)
4		
5		
6		

6. The concluding comments of the examiner are:

- ☐ On the description:
☐ The content of the application comes within the scope where no patent right is granted as provided in Article 5 of the Patent Law.
☐ The description is not in conformity with the provision of Article 26(3) of the Patent Law.
☐ The drafting of the description is not in conformity with the provision of Rule 18 of the Implementing Regulations.
- ☒ On the claims:
☐ Claim comes within the scope where no patent right is granted as provided in Article 25 of the Patent Law.
☐ Claim is not in conformity with the definition of invention in Rule 2(1) of the Implementing Regulations.
☒ Claim 1, 2, 5, 8 does not possess novelty as provided in Article 22(2) of the Patent Law.
☒ Claim 3, 4, 7, 8 does not possess inventiveness as provided in Article 22(3) of the Patent Law.
☐ Claim _____ does not possess practical applicability as provided in Article 22(4) of the Patent Law.
☐ Claim _____ is not in conformity with the provision of Article 26(4) of the Patent

Law.

- ☐ Claim _____ is not in conformity with the provision of Article 31(1) of the Patent Law.
- ☒ Claim 9 is not in conformity with the provisions of Rules 20-23 of the Implementing Regulations.
- ☐ Claim _____ is not in conformity with the provision of Article 9 of the Patent Law.
- ☐ Claim _____ is not in conformity of the provision of Rule 12(1) of the Implementing Regulations.

For specific analyses of the above concluding comments, see the text of this Office Action.

7. In view of the above concluding comments, the examiner holds that:

- ☐ The applicant should amend the application document in accordance with the requirements raised in the text of this Office Action. The amended document(s) should be submitted in duplicate and should conform to the provisions of Article 33 of the Patent Law and Rule 51 of the Implementing Regulations of the Chinese Patent Law.
- ☐ The applicant should expound in his Observations the reasons why the captioned patent application is patentable and amend the places not conforming to regulations as pointed out in the text of the Office Action, otherwise it would be impossible for the patent right to be granted.
- ☒ The captioned patent application contains no substantive content for which the patent right may be granted, thus if the applicant has not advanced his reasons or has not done so adequately, the application will be rejected.

8. The applicant should pay attention to the following matters:

- (1) In accordance with the provision of Article 37 of the Patent Law, the applicant should submit his/its Observations within four months from the date of receipt of this Office Action; if, without any justified reason, the time limit for making response is not met, the application will be deemed to have been withdrawn.
- (2) The amendments made by the applicant to his application should conform to the provision of Article 33 of the Patent Law, the amended text should be in duplicate and the format should conform to the relevant provisions of the Guidelines for Examination.
- (3) The applicant's Observations or amended text should be mailed or presented to the Receiving Section of the Chinese Patent Office. Document no mailed or presented to the Acceptance Section have no legal force.
- (4) Without making an appointment, the applicant and/or agent may not come to the Chinese Patent Office to hold an interview with the examiner.

9. This Office Action consists of the text portion totalling 3 page(s) and of the following annex(es):

- ☒ 2 duplicate copies of the reference document(s) cited totalling 12 page(s).

☐
☐